CLEAN WATER ACT'S STORMWATER PROGRAM

3-1-13 Mayors Innov. Proj.

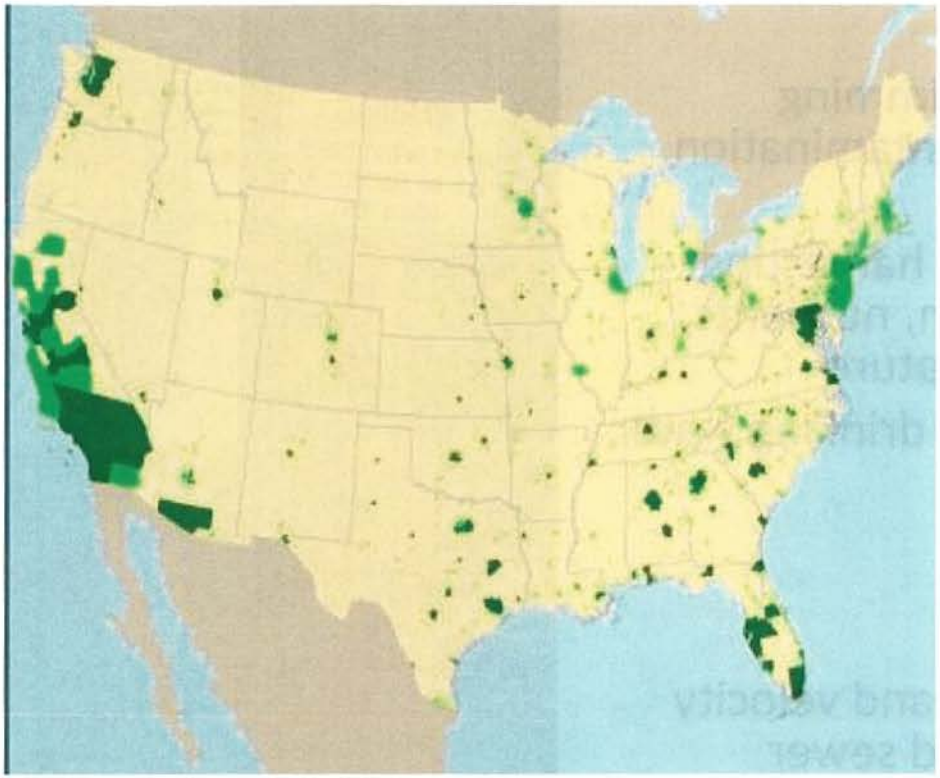
Stormwater is a leading cause of water quality impairment and its impact is growing

- Urban stormwater is a leading source of impairment
- Fast growing water quality concern
  - Approximately 800,000 acres being developed every year, growing to over 1.0 million acres by 2039
- Development increases the amount of impervious cover in the landscape
- Small increase in impervious cover leads to big impacts in receiving waters
- Development upstream can cause downstream impacts in communities
- Local governments face growing wet weather-related costs

Stormwater Impacts: Pollution, Flooding, and Property Losses

- Stormwater pollutants
  - Cause beach closures and swimming illnesses through bacterial contamination and algal blooms
  - Impact fisheries and shellfish harvesting through excess sedimentation, nutrients, bacteria, metals, and temperature
  - Increase the costs of treating drinking water supplies
- Stream impacts
  - Increase stormwater volume and velocity causing flooding, scouring and sewer overflows
  - Reduce groundwater recharge impacting water supplies

Existing Program

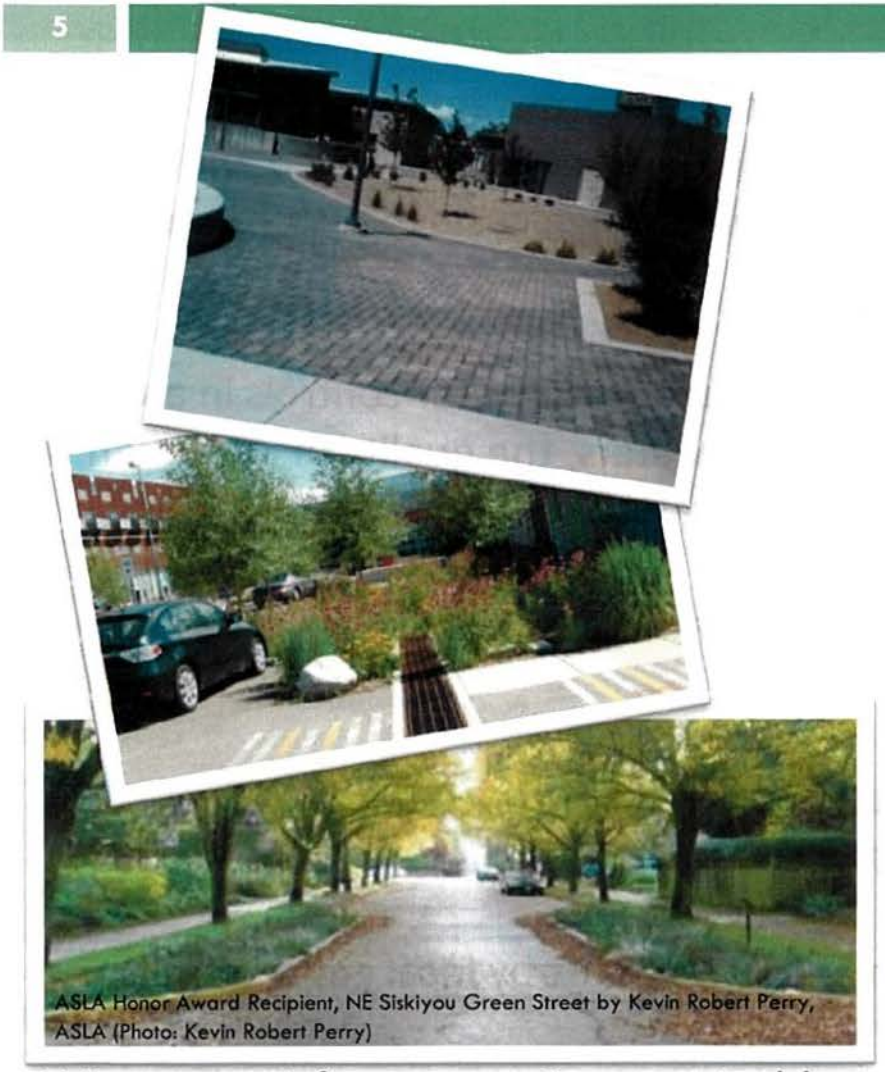


Current coverage

- Primarily in urbanized area
- Accounts for much of the population
- Only about 2% of the land area

- Many communities have waterbodies that are already polluted by stormwater discharges from impervious areas
- Communities are working hard to address stormwater and are looking for cost-effective solutions moving forward
- Communities are prioritizing investments through integrated planning

New Directions



Using green infrastructure is a sustainable way to control stormwater.

- Incorporate green infrastructure into sites as they are being developed and redeveloped
  - Provides most cost-effective opportunity to control stormwater at its source
  - Prevents water quality degradation in healthy waters
  - Helps restore impaired waters
- Looking at the problem on a watershed basis will be more cost effective
- Incentives for sustainable practices that provide numerous other economic and quality of life benefits to communities

The Cost of Doing Nothing

If We Don't Take This New Direction – It Will Cost a Lot More

- If sites do not incorporate sustainable stormwater controls in growing communities, waterbodies will become impaired and these communities will face extremely high costs to restore the waters
- If sites do not incorporate sustainable stormwater controls in areas that already discharge to impaired waters, the quality of our urban waters will worsen and the cost to restore these waters will grow
- Communities will not realize the many other benefits of green infrastructure, including:
  - Reduced flooding
  - More liveable communities
  - Increased property values
- The cost of inaction is high and borne most by local governments

Potential Focus of a Proposed Stormwater Rule

- **Establish performance standards for discharges from newly developed and redeveloped sites**
  - Builds upon innovative approaches developed by progressive communities
  - Helps to revive urban streams
  - Protects communities from upstream development
  - Creates level playing field
  - Prevents pollution
  - Avoids costly stream restoration
  - Reduces flooding
  - Helps communities spread cost of stormwater management
  - Creates local jobs

- **Encourage watershed approaches for managing municipal stormwater discharges**
  - Helps ensure stormwater controls are properly implemented which could reduce the need for expensive retrofits later
- **Fits with integrated planning and financial capability frameworks**

Considerations

Performance Standards

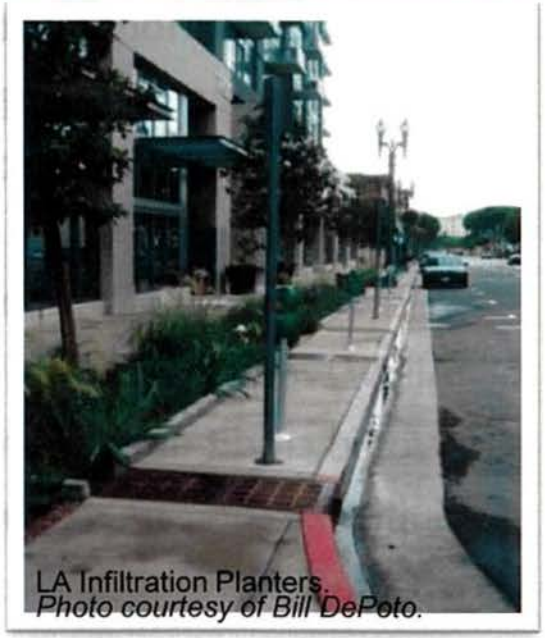
- Considering a retention-based performance standard to require that sustainable stormwater controls be incorporated into sites as they are developed and redeveloped
  - Reduce pollutants
  - Reduce volume and velocity of discharges
- Considering a standard that varies according to an area's climate and other location-specific characteristics
  - e.g. certain percentile storm event

About 1/3 of states and many local communities already have some sort of treatment or retention-based performance standard

- Considering many flexibilities
  - For alternative local programs
  - For sites
- There are cost-effective ways to meet the standard
  - Incorporate controls in the site design by preserving vegetation and/or reducing impervious cover
  - Integrate green infrastructure practices into landscape or other common areas

Performance Standards (Cont'd)

- Considering relaxed standard for redevelopment
  - Recognizes site constraints and benefits to reusing already developed site
  - Encourages redevelopment to revitalize urban communities
  - Provides additional incentives for smart growth and brownfields development



LA Infiltration Planters.
Photo courtesy of Bill DePoto.

- The standard could be directly applied to newly developed and redeveloped sites nationwide or only those sites discharging to regulated MS4s

Applying the standard nationwide would create a level playing field for developers among municipalities and protect downstream communities from upstream development.

Flexibilities

Performance Standards (Cont'd)

- Could accommodate site constraints (including water rights laws)
  - Managed through treatment
  - Off-site mitigation
  - Payment-in-lieu
  - Banking or trading programs
- Allow watershed plans that control pollutants/flows
- Would credit alternative programs that are better suited to their needs, but that are as protective as the national standard
- Allow phased implementation
- Allow sites to do their own analyses based on site-specific information
- Allow alternative green infrastructure plan in-lieu-of a new and/or redevelopment standard

Benefits of a Proposed Stormwater Rule

Water-Based Benefits

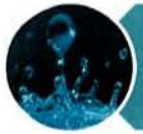
Improved recreational, aesthetic and non-use values

Lower drinking water treatment costs

Lower dredging costs for navigational channels

Reduced siltation of water storage reservoirs

Reduced downstream flooding damage



Groundwater recharge

Small stream erosion and water quality impacts

Vegetation-Based Benefits

Improved air quality and reduced human health impacts

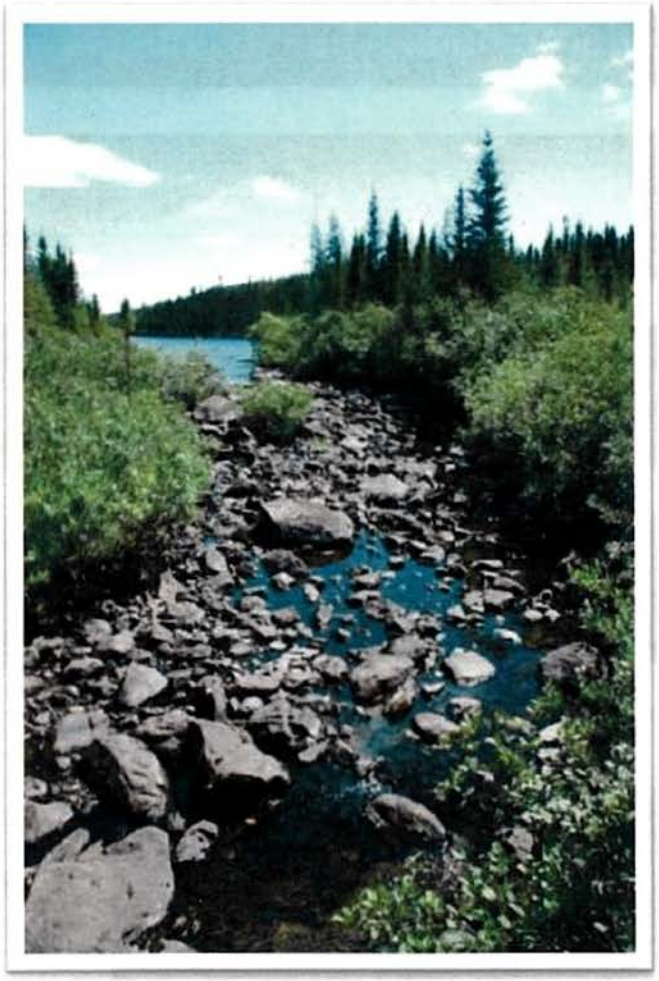
Higher off-site property values associated with green infrastructure

Carbon uptake by plants

Reduced energy use by buildings and associated air quality and carbon footprint benefits

Innovative communities across the U.S. already have on-site retention standards in place and are seeing the benefits.

Rulemaking Schedule



Proposal: June 2013
Final Action: December 2014

www.epa.gov/npdes/stormwater/rulemaking